

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
DOCUMENT  
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DATE FILED: 12/12/19

MARCELINO CASTRO,

Plaintiff,

v.

CITY OF NEW YORK; JANET SMITH;  
LEISHA ORTIZ; OCTAVIAN DUGGINS &  
TRISHANN MOWAT,

Defendants.

No. 16-CV-8147 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:


On October 3, 2019, Defendants filed a motion for summary judgment. Plaintiff's response to Defendants' motion was due by October 24, 2019. On November 15, 2019, the Court issued an Order directing Plaintiff to either file a response to Defendants' motion for summary judgment or a letter indicating that he does not intend to file a response by December 6, 2019. The Court has not received a response or a letter from Plaintiff.

Plaintiff's date to file a response or letter is hereby extended to December 30, 2019. If Plaintiff informs the Court that he intends to pursue this action but chooses not to oppose Defendants' motion, then the Court will deem the motion fully briefed and take it under submission. *See Jackson v. Fed. Exp.*, 766 F.3d 189, 194 (2d Cir. 2014). If, however, Plaintiff does not respond to this Order, either by responding to the motion for summary judgment or by submitting a letter indicating that he does not intend to do so, then the Court may dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: December 12, 2019  
New York, New York

  
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Ronnie Abrams  
United States District Judge